

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Brandon Marquis Jennings)
#65213056 USP-Hazleton)
P.O. box 2000)
Bruceston Mills, WV 26525)
(Full name under which you were convicted,)
prison number, place of confinement, and)
full mailing address))

Petitioner,)

vs.)

case manager Vonash)
P. Adams, P. McKone, F-2 counselor Jorge,)
(Name of Warden or other authorized person)
where you are incarcerated))

Respondent.)
_____)

FILED

JAN 26 2021

U.S. DISTRICT COURT-WVND
L. MARTINSBURG, WV 25401

Petition for Habeas Corpus
Pursuant to 28 U.S.C. § 2241

5:21-CV-14 Bailey/Mazzone/Blalock

Civil Action No. 3:20-cv-231
(to be assigned by Clerk)

Important notes to read before completing this form:

- ★ Please read the entire petition **before** filling it out. Answer **only** those questions which pertain to your claim(s).

1. This petition concerns (check the appropriate box):

- ☐ a conviction
☐ a sentence
☒ jail or prison conditions
☐ prison disciplinary proceedings
☐ a parole problem
☐ other, state briefly: _____

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2. Are you represented by counsel? ☐ Yes ☒ No

If you answered yes, list your counsel's name and address: _____

3. List the name and location of the court which imposed your sentence:

United States district court for the eastern district of
North Carolina in New Bern.

4. List the case number, if known: 5:18-cr-313-FL-1

5. List the nature of the offense for which the sentence was imposed:

Sex Trafficking / Prostitution

6. List the date each sentence was imposed and the terms of the sentence:

~~18th day of August, 2020~~ 18th day of August, 2020 to a life term.

7. What was your plea to each count? (Check one)

- ☐ Guilty
☒ Not Guilty
☐ Nolo Contendere

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8. If you were found guilty after a plea of not guilty, how was that finding made?

- ☒ A jury
☐ A Judge without a jury
☐ A Magistrate Judge without a jury

9. Did you appeal from the judgment of conviction or imposition of the sentence?

- ☒ Yes ☐ No

10. If you did appeal, give the following information for each appeal:

- A. Name of Court: U.S. Courts of appeals for the fourth circuit
 B. Result: Still Pending
 C. Date of Result: Pending
 D. Grounds raised (List each one): N/A

Note: if you filed an appeal in more than one court, attach an additional sheet of paper of the same size and give all of the information requested in Question 10, A through D.

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal? This is called a post-conviction pleading.

- ☒ Yes ☐ No

If your answer was yes, complete the following sections:

A. First post-conviction proceeding:

1. Name of Court: U.S. district court for the eastern district of VA

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2. Nature of Proceeding: Habeas corpus
3. Grounds Raised: unnecessary delay in sentencing
4. Did you receive an evidentiary hearing ? ☐ Yes ☒ No
5. Result: dismissed for lack of jurisdiction
6. Date of Result: _____

B. Second post-conviction proceeding:

1. Name of Court: _____
2. Nature of Proceeding: _____
3. Grounds Raised: _____
4. Did you receive an evidentiary hearing ? ☐ Yes ☐ No
5. Result: _____
6. Date of Result: _____

C. Did you appeal to the result of the post conviction proceeding(s) to the highest court having jurisdiction?

1. First proceeding: ☒ Yes ☐ No Result: Pending
2. Second proceeding: ☐ Yes ☐ No Result: _____

D. If you did not appeal the adverse result of the post-conviction proceeding(s), explain briefly why not: _____

12. For your information, the following is a list of the most frequently raised grounds for relief in applications for habeas corpus pursuant to 28 U.S.C. §2241. You may raise any grounds which you may have other than those listed. However, in this application, you should raise all available grounds on which you base your petition. **Do not check** any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. **The petition will be returned to you if you merely check one or more of the grounds:**

- A. U.S. Parole Commission unlawfully revoked my parole.
- B. Federal Bureau of Prisons unlawfully computed my sentence.

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- C. Federal Bureau of Prisons unlawfully denied me credit for time served in state or federal prison.
- D. Federal Bureau of Prisons or State prison system unlawfully revoked my good time credits.
- E. There is an unlawful detainer lodged against me.
- F. I am a citizen and resident of a foreign country and I am in custody for an act which I had a right to commit under the laws of my country.
- G. The act for which I was convicted is no longer considered to be a crime, and I cannot raise this issue in a §2254 petition or a §2255 motion.

CAUTION: if you fail to set forth all of the grounds in this petition at this time, you may be barred from presenting additional grounds at a later date.

State clearly every ground on which you are seeking relief. Summarize briefly the facts supporting each ground. If necessary, attach a total of five (5) typed or ten (10) neatly printed pages maximum for all grounds and all attachments.

A. Ground one:

The party was denied the right to a clean and safe environment which is in violation of the 8th amendment's cruel and unusual punishment and Bop policy, and rules governing policy regarding the CDC/COVID 19.

Supporting facts: tell your story briefly without citing cases or law. You are cautioned that you must state facts, not conclusion, in support of your grounds. A "rule of thumb" to follow is this: who did exactly what to violate your rights at what time and place).

On the 28th day of October, 2020, The party arrived at USP-Hazleton where he was faced with inadequate health and housing, and forced by the administration P. Adams to wear the same clothing for several weeks (33 days) of which had not once been cleaned while being prevented cleaning supplies and hand soaps that are used to prevent the spread of COVID-19.

B. Ground two:

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The party was deprive the right to communicate with the community and administration, let it be noted that it shall be deemed a first admendment violation when depriving one rights to communicate with community and administration.

Supporting facts:

The party was told by case manager Yanash "dont ask me for shit" and a case manager is to be a liaison between the party, the community, and the administration, and to make such statement without providing the party the necessity then removes the party's access to the community, and the administration.

C. Ground three:

The party shall have the right per the first admendment to participate in religious freedoms and to deny one the shower for reasons of exercising religious freedoms is then deemed to be both a first admendment violation and eight amendment violation due to cruel and unusal punishment.

Supporting facts:

As the party was making Salah (Prayer) there was a loud knock at the door of the cell, the party continued with prayer, just as the party continued with prayer it was said by F-2 counselor Jorge "oh he's praying so he dont get a shower" which is then punishing the party for praying.

D. Ground four:

The party was denied access to the courts by way of abuse of authority for means of intimidation which is found to be in violation of the 1st and 8th amendment, whereas the 1st amendment provides the right to access the courts, as to the 8th amendment's prevention of a base of authority and intimidation by government officials.

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Supporting facts:

P. McKone denied the party commissary which resulted in the
party's failure to access the courts due to not being availed the
option to purchase stamps. P. McKone response to this was that he
read the party's file and the party is a Sovereign citizen and a "Bitch"
while also stating to the party "Next time know who your talking to."

13. Were all of the above grounds presented to another court, state or federal? If not, state which grounds were not presented. If yes, state the name of the court, date of decision, and the nature of the outcome:

Denial of access to the courts, Denied freedom of religion, cruel and
unusual Punishment, deprivation of the right to communication.
Denied the right to a clean and safe environment.

14. If this petition concerns prison disciplinary proceedings, a parole problem, computation of sentence, or other case under 28 U.S.C. § 2241, answer the following questions:

- A. Did you present the facts in relation to your present petition in the prison's internal grievance procedure?

☐ Yes ☒ No

1. If your answer to "A" above was yes, what was the result:

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2. If your answer to "A" above was no, explain:

I was denied access to the administration by prison
officials.

- B. If you are a federal prisoner, did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

☒ Yes ☐ No

1. If your answer to "B" above was yes, what was the result:

~~House of Representatives~~ House of Representatives Administrative
counsel. "Pending Response".

2. If your answer to "B" above was no, explain:

15. Relief: State here, as briefly as possible, exactly what you want the court to do for you:

1. Make **no** legal arguments.
2. Cite **no** cases or statutes.

The party is seeking bail pending appeal due to the extreme
misconduct being performed by officials, and the party's serious concern
for participation in the appeal due to the deprivation of access to the
courts. The party also seeks punitive termination of employment for
the foregoing employees, and might officers be trained in policy when
considering religion. The party request the discharge of a fraudulent
incident report / charge created by p.mckone.

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16. If a previous motion to vacate or modify a prisoner's sentence, pursuant to Section 2255, was not filed, or if such a motion was filed and denied, the reasons why Petitioner's remedy by way of Section 2255 is inadequate or ineffective to test the legality of the detention.

Due to the party's pending appeal the party is without right to
participate in a 2255 motion.

Signed this 12th day of January, 2021.
(day) (month) (year)

Mustafa Beezy Bey
Your Signature

Signature of Attorney (if any)

I declare (or certify, verify, or state), under penalty of perjury, that the foregoing is true and correct.

Date of Signature: 1-12-2021

Mustafa Beezy Bey
Your Signature